IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re Patent Application of

**BUSUIOC et al**

Serial No. **08/732,321**

Filed: **January 22, 1997**

Atty. Ref.: 36-966

Group: 2731

Examiner: M. Jung

For: **SERVICE PROVISION SYSTEM FOR COMMUNICATIONS NETWORKS**

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August 4, 1999



Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**RESPONSE**

In response to the Office Action dated 02/04/99, reconsideration of this application is requested.

The rejection of claims 1-25 under 35 U.S.C. §112, first paragraph, is respectfully traversed.

The only objection raised by the Examiner alleges that applicant's "object-oriented software agents" and "object-oriented control means" were not described in the specification in a "reasonable way".

Object-oriented computer software is by now well known per se. There are well recognized object-oriented software languages well known to those skilled in the art. See, for

example, the applicant's specific suggestion that the modules of this invention could be conveniently written in the Prolog language and/or the C language (e.g., C ++) at page 7, lines 3-6 of the specification). The cover, table of contents and portions of the index (and page 531) are attached from the 1992 Third Edition of Software Engineering by Roger S. Pressman. It will be noted that object-oriented software design is of repeated and major significance throughout this text book

The object-oriented software agents are each fully described in the specification. First, the generic architecture of the agents is described (starting at page 6) and then each of the agents are further described in turn. What else could possibly be required to provide an enabling disclosure -- and one that reasonably conveys to one skilled in the relevant art that, inter alia, the applicants at the time the application was filed had "possession of the claimed invention"?

The object-oriented control means of course comprises the collection of distributed software agents and, since the individual agents are well described, there is also appropriate description of the collective "control means". See, for example, the introductory portion of the specification which points out that "intelligent agents used in embodiments of the present invention can achieve simplicity and robustness by spreading a control system over a plurality of specialized agents". The rest of the specification sets out exactly what the control system of an exemplary embodiment (i.e., the plurality of specialized agents) constitutes.

The Examiner's comments actually do not question the fact that applicant's disclosure is fully "enabling" under the first paragraph of 35 U.S.C. §112. Rather, the Examiner only

questions whether or not the presently claimed "object-oriented software agents" and "object-oriented control means" were described in the specification as originally filed "in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention". The undersigned is frankly at a loss to understand how the Examiner could possibly question whether or not the disclosure is sufficient to demonstrate that the applicants had "possession" of the claimed invention which includes, inter alia, object-oriented software agents and object-oriented control means (comprising a plurality of the object-oriented software agents).

Should the Examiner wish to repeat this rejection, it is respectfully requested that the basis for this rejection be provided in full and specific detail.

The rejection of claims 1-25 under 35 U.S.C. §102 as allegedly anticipated by Mahany '536 is also respectfully traversed.

Although Mahany is certainly a complex and lengthy teaching, and although it does indeed relate to prior attempts at solving problems encountered in a communications system encompassing both wired and wireless communication networks, and although the Mahany et al teaching does involve distributed computing/switching/processing systems, the undersigned can find no teaching or suggestion therein of any object-oriented software agents. Furthermore, even if Mahany et al did happen to teach or suggest some kind of object-oriented software agents, it is directed to an entirely different aspect of the wired/wireless network problem.

For example, the passage noted by the Examiner bridging columns 9 and 10 of Mahany '536 merely deals with downloading data to a peripheral device by establishing a "spontaneous LAN". It does not even mention the user.

By contrast, applicant's invention makes data available to the user and then responds to selection of a service by the user. Applicant's invention thus permits a user to decide whether or not to proceed in light of prevailing information.

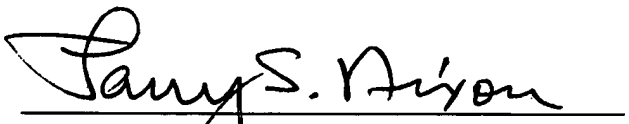
Although Mahany '536 is also generally dealing with a problem of varying capacity where mobility is involved, it approaches such problems in a completely different way that does not even involve the user. Note that applicant's claims specifically and explicitly do involve the user.

Accordingly, many of the Examiner's comments concerning the alleged content of Mahany '536 are believed to be clearly erroneous. There cannot possibly be anticipation of applicant's claims by Mahany '536 -- if for no other reason than because Mahany '536 does not teach object-oriented software agents -- and particularly not in the context of applicant's claimed invention. Should the Examiner believe that Mahany et al '536 does teach even so much as one object-oriented software agent (let alone a collection of inter-related such object-oriented software agents to constitute a distributed object-oriented control means), he is respectfully requested to particularly point out exactly where such teaching resides in the very bulky Mahan et al '536 patent document.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice of that effect is respectfully solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

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